

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

WILLIAM GARDNER,

Plaintiff,

vs.

Civ. No. 23-318 GBW/SCY

CITY OF ALBUQUERQUE
Code Enforcement Department, and
NICOLE A. SANCHEZ, Attorney
for City of Albuquerque,

Defendants.

ORDER TO SHOW CAUSE

This matter is before the Court *sua sponte*. On January 4, 2024, the Court issued an Initial Scheduling Order, instructing the parties to meet and confer by January 24, file a Joint Status Report by February 5, and attend a Scheduling Conference on February 14 at 1:30 p.m. Doc. 29. At the appointed date and time for the Scheduling Conference, counsel appeared on behalf of Defendant but Plaintiff, who is proceeding pro se, failed to appear. Doc. 32 (clerk's minutes). Court staff unsuccessfully attempted to call Plaintiff at the telephone number listed for Plaintiff on the docket. *Id.* Plaintiff later contacted the Court to inform staff there was a typographical error in his phone number listed on the docket. However, Plaintiff did not dispute that he received the Court order requiring the parties to appear at the conference on February 14.

Under Federal Rule of Civil Procedure 16(f), the Court has discretionary authority to sanction a party for failing to “appear at a scheduling or other pretrial conference” and failing to “obey a scheduling or other pretrial order.” Fed. R. Civ. P. 16(f)(1)(A), (C). Plaintiff is therefore ordered to show cause (explain) in writing no later than Tuesday, **March 5, 2024** why he failed

to appear at the telephonic Scheduling Conference. Plaintiff is advised that failure to comply with this Order may result in dismissal of his case.

IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE